

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4:26 - CUTBACK AND EMULSIFIED ASPHALT

(Adopted 2/1/1994; Amended 6/3/1997)

A. Purpose: To limit emission of volatile organic compounds (VOCs) from the use, manufacture, or sale of cutback and emulsified asphalt in paving, construction, or maintenance of parking lots, driveways, streets and highways.

B. Exemptions:

The provisions of this rule shall not apply to the use of:

1. Cutback and emulsified asphalt sold in the Sacramento Valley Air Basin (Basin) for shipment and use outside of the Basin, if cutback and emulsified asphalt is approved for use by the receiving District.
2. Medium-cure cutback asphalt used as a penetrating prime coat or in road patching material, until such time as the Air Pollution Control Officer determines that a suitable substitute material is available. This exemption shall be reviewed annually.
3. Medium-cure cutback asphalt when the National Weather Service forecasts that the atmospheric temperature for the 24-hour period following application will not exceed 50EF (10EC).
4. Medium-cure cutback asphalt at any elevation in the District from November 1st to May 1st each calendar year.
5. Medium-cure cutback asphalt above 1,000 feet in elevation year-round.
6. Medium-cure cutback asphalt for emergency road maintenance at any elevation in the District year-round.

C. Definitions:

For the purpose of this Rule, the following definitions shall apply:

1. Asphalt: A brownish-black cementitious material (solid, semi-solid, or liquid mixture) of which the main constituents are bitumens which occur naturally or are obtained by distillation from coal or petroleum.
2. Cutback Asphalt: Paving-grade asphalt liquid with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid-Cure Type ASTM D2028
Medium-Cure Type ASTM D2027
Slow-Cure Type ASTM D2026

3. Dust Palliative: Any light application of liquified asphalt (cutback or emulsified asphalt) for the express purpose of controlling loose dust.
4. Emergency Road Maintenance: Road maintenance activities required for traffic safety consideration requiring immediate response and of a nature that the maintenance cannot be rescheduled.
5. Emulsified Asphalt: Rapid, medium, or slow setting grade as described under Section 94 of the January 1981, State of California Department of Transportation Standard Specifications.
6. Penetrating Prime Coat: Any application of asphalt to an absorptive surface to penetrate and bind the aggregate surface and promote adhesion between it and the new superimposed construction. Prime coats do not include dust palliatives or tack coats.
7. Road Oils: Shall be synonymous with slow cure asphalt.
8. Tack Coat: Any application of asphalt to an existing surface to provide a bond between new surfacing and existing surfacing and to eliminate slippage places where the new and existing surfaces meet.
9. Volatile Organic Compounds (VOC's): Any compound as defined in District Rule 1:2 Definitions.

D. Requirements:

1. Cutback Asphalt: A person shall not manufacture, sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets or highways any:
 - a. Rapid or medium-cure cutback asphalt, or
 - b. Slow-cure cutback asphalt material that contains more than 0.5 percent by volume VOCs that evaporate at 500EF (260EC) or less.
2. Emulsified Asphalt: A person shall not manufacture, sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets or highways any emulsified asphalt material that contains more than 3.0 percent by volume VOCs that evaporate at 500EF (260EC) or less.

E. Test methods:

1. Measurement of VOC content in cutback asphalt pursuant to Subsection D.1. of this rule shall be conducted and reported in accordance with ASTM Test Method D 402-76.
2. Measurement of VOC content in emulsified asphalt pursuant to Subsection D.2. of this rule shall be conducted and reported in accordance with ASTM Test Method D 244-89.
3. Measurement of exempt compound content in cutback and emulsified asphalt pursuant to Subsection D.1. and D.2. of this rule shall be conducted and reported in accordance with ASTM Test Method D 4457-85.

F. Record keeping:

1. Any person who manufactures, sells, offers for sale, uses or applies any asphalt material subject to this rule shall maintain a record of the specifications for each asphalt material which is sold, offered for sale, used or applied such that compliance with Subsections D.1. or D.2. of this rule can readily be determined. These records shall be kept for three years and be made available to the District upon request.